

LABOUR DEPARTMENT

The 4th December, 1970

No. 11419-1Lab-70/35691.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Technological Institute of Textiles, Bhiwani.

BEFORE SHRI O. P. SHARMA PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 109 of 1970

Between

THE WORKMEN AND THE MANAGEMENT OF M/S TECHNOLOGICAL INSTITUTE OF
TEXTILES, BHIWANI

Present.—

Nemo for the workmen.

Shri Nathu Mal Jain, for the management.

AWARD

Sarv shri Shyam Dhari, Seh Chand, Ram Saran, Lachhi Ram, Harphool and Bachhu Singh were in the employment of M/s Technological Institute of Textiles, Bhiwani. Their services were terminated by the management. This gave rise to an industrial dispute between the parties. The Governor of Haryana had been pleased to refer the dispute for adjudication to the Labour Court, Faridabad, presided over by Shri P. N. Thukral under clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—*vide* order No. ID/HSR/20-67/53926, dated 27th December, 1967. The matter in issue being as given below :—

Whether the dismissal of Sarvshri Shyam Dhari, Seh Chand, Ram Saran, Lachhi Ram, Harphool and Bachhu Singh was justified and in order. If not, to what relief are they entitled ?

While this reference was still pending adjudication the appointment of Shri P. N. Thukral as Presiding Officer of the Labour Court was held to be invalid,—*vide* judgement, dated 2nd September, 1969, of the High Court for the States of Punjab and Haryana in another case of M/s Gedore Tools (1) Ltd; Faridabad. The Governor of Haryana has been further pleased to refer the above dispute to this Court by a fresh notification No. 6091-E-Lab-70/22387, dated the 31st July, 1970. The file containing the original order of reference has also been received and the case has been registered afresh.

On receipt of the above reference, usual notices were given to the parties for appearance at Bhiwani on 10th September, 1970. The workmen concerned did not appear on that day nor their duly authorised representative. On behalf of the management, it was urged that a settlement had been arrived at between Sarvshri Shyam Dhari, Seh Chand and Harphool and the order of the termination of their services had been changed into that of their discharges from services. The settlement in writing to this effect was also produced and notice of the alleged settlement was given to the workmen for today. They have again fail to appear inspite of service.

Statement of Shri Nathu Mal Jain, representative of the management has been recorded. According to him the workmen Sarvshri Shyam Dhari, Seh Chand and Harphool had arrived at a settlement with the management on 10th March, 1970, 16th March, 1970 and 13th April, 1970 respectively. According to which the order of the termination of their services had been changed into that of their discharge from services and they had accordingly been paid the amount of gratuity, bouns and wages for leave due in full and final settlement of their claims,—*vide* Exs. M. I, M. 2 and M. 3 on which they had affixed their signatures respectively, the documents having been attested by independent witnesses also. It has been further stated that according to the above settlement mutually arrived at between the parties, the aforesaid workmen had given up their rights for re-instatement or re-employment with the management.

The above statement of Shri Nathu Mal Jain which is corroborated by documentary evidence has to be believed especially when the workmen concerned are not coming forward to refute the same.

Shrvshri Shyam Dhari, Seh Chand and Harphool having given up their right of re-instatement or re-employment with the management and having also received the amount due in full and final settlement of their claims by virtue of the aforesaid settlement mutually arrived at between the parties, are not entitled to any relief in the case. The same has to be held with regard to Sarvshri Ram Saran, Lachhi Ram and Bachhu Singh who have not taken any interest in the proceedings nor their union. I give my award accordingly. No order as to costs.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 1055, dated Faridabad, the 23rd November, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

The 9th December, 1970

No. 11158-4Lab-70/36069.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following arbitration award of Shri M. Kuttappan, I.A.S., Labour Commissioner, Haryana, (Sole Arbitrator), in respect of the dispute between the workman Shri Ram Dass and M/s Panipat Co-operative Sugar Mills Ltd., Panipat.

BEFORE THE LABOUR COMMISSIONER, HARYANA, CHANDIGARH

Between

THE WORKMAN SHRI RAM DASS

AND

M/S PANIPAT CO-OPERATIVE SUGAR MILLS LTD., PANIPAT

Present.—

- (1) Shri G. L. Nagpal, General Manager, for the management.
- (2) Shri Ram Dass, concerned workman.

ORDER

Vide notification No. 364-SF-III-Lab-67, dated 24th August, 1967, the Labour Commissioner, Haryana, was appointed as Sole Arbitrator to arbitrate in respect of the following matter :—

Whether the dismissal of Shri Ram Dass Sachdeva, Fitter, is justified and in order ? If not, to what relief and exact amount he is entitled ?

In response to the usual notices issued to the parties the workman filed a statement of his claims and the management filed their counter statement. The case was taken up by my predecessors Shri S. K. Misra, I.A.S. and then by Shri D. D. Sharma, I.A.S., but it could not be finalised as the parties continued to seek postponement of the case for one reason or the other. On my having taken over the charge of the post of Labour Commissioner, Haryana, this matter came up before me. The case was heard on different dates. Ultimately on 20th October, 1970, both the parties appeared before me and made offers for a settlement. It was agreed that the management would reinstate the worker Shri Ram Dass with continuity of service on the condition that he will not claim any back wages or other benefits for the period of unemployment except that the benefit of seniority accruing in respect of his past service will be allowed. I give my award accordingly.

The award is hereby submitted to Government under section 10-A(IV) of the Industrial Disputes Act, 1947.

M. KUTTAPPAN,
Labour Commissioner, Haryana
(Sole Arbitrator), Chandigarh.

B. L. AHUJA,
Commissioner for Labour & Employment and Secy.